

# HB0451S01 compared with HB0451

~~{deleted text}~~ shows text that was in HB0451 but was deleted in HB0451S01.

inserted text shows text that was not in HB0451 but was inserted into HB0451S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Katy Hall proposes the following substitute bill:

## STATE ENTITY RESTRICTIONS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Katy Hall**

Senate Sponsor: \_\_\_\_\_

---

### LONG TITLE

#### General Description:

This bill prohibits the use of certain statements or materials by a state entity to determine employment, admission, or other benefits~~{, and the use of certain specialized services}~~.

#### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits the use of a prohibited submission in determining employment, admission, or other benefits; and
- ▶ creates ~~{a}~~ limited ~~{exception where collecting a prohibited submission is required by federal law; and~~

→ ~~prohibits the use of certain services}~~ exceptions to the prohibition in this bill.

## HB0451S01 compared with HB0451

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

**53B-27-502**, Utah Code Annotated 1953

**53G-2-103**, Utah Code Annotated 1953

~~{ **63G-6a-121**, Utah Code Annotated 1953~~

~~{ **67-27-105**, Utah Code Annotated 1953~~

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53B-27-502** is enacted to read:

**53B-27-502. Prohibition on use of certain submissions in higher education --**

#### **Exceptions.**

(1) (a) As used in this section, "prohibited submission" means a submission, statement, or document that requires a person to articulate ~~for or demonstrate~~ the person's personal beliefs or position on a policy or initiative regarding, or other consideration of, that promotes differential treatment based on race, color, ethnicity, sex, national origin, or age.

(b) "Prohibited submission" includes a submission, statement, or document that relates to a policy, program, or initiative regarding:

(i) diversity, equity, and inclusion;

(ii) anti-racism;

(iii) implicit bias; or

(iv) critical race theory.

(c) "Prohibited submission" does not include a submission, statement, or document if:

(i) the job title for the position includes a phrase listed in Subsections (1)(b)(i) through (iv); and

(ii) the submission, statement, or document relates to a bona fide occupational qualification for the position.

(2) An institution may not request a prohibited submission as a certification or

## HB0451S01 compared with HB0451

condition prior to ~~take~~ taking action with respect to:

(a) employment, including decisions regarding:

(i) hiring;

(ii) terms of employment;

(iii) benefits;

(iv) seniority status;

(v) tenure;

(vi) promotion;

(vii) transfer; or

(viii) appointment;

(b) ~~admissions and aid, including:~~

~~(i) admission to any program, club, or course;~~

~~(ii) financial or other forms of aid or assistance; or~~

~~(iii) other benefits} or graduation from the institution for which a person is eligible; or~~

~~(c) degree requirements, including:~~

~~(i) requirements to obtain credits; or~~

~~(ii) requirements for graduation} or an academic program; or~~

(c) qualification for or receipt of state financial aid or other state financial assistance.

(3) An institution may not grant any form of preferential consideration to a person who, without solicitation from the institution, provides a prohibited submission for consideration for any action described in Subsection (2).

(4) If federal law requires an institution to accept a prohibited statement, the institution:

(a) may accept the prohibited statement only to the extent required under federal law;

and

(b) shall limit consideration of the information contained in the prohibited statement to the extent necessary to satisfy the requirement under federal law.

(5) Nothing in this section prohibits an institution from requiring compliance with an institution's specific policies that are necessary to comply with state or federal laws and regulations, including those relating to prohibited discrimination or harassment.

Section 2. Section **53G-2-103** is enacted to read:

## HB0451S01 compared with HB0451

### 53G-2-103. Prohibition on use of certain submissions in public education --

#### Exceptions.

(1) (a) As used in this section, "prohibited submission" means a submission, statement, or document that requires a person to articulate ~~for or demonstrate~~ the person's position on a policy or initiative ~~regarding, or other consideration of,~~ that promotes differential treatment based on race, color, ethnicity, sex, national origin, or age.

(b) "Prohibited submission" includes a submission, statement, or document that relates to a policy, program, or initiative regarding:

(i) diversity, equity, and inclusion;

(ii) anti-racism;

(iii) implicit bias; or

(iv) critical race theory.

(c) "Prohibited submission" does not include a submission, statement, or document if:

(i) the job title for the position includes a phrase listed in Subsections (1)(b)(i) through (iv); and

(ii) the submission, statement, or document relates to a bona fide occupational qualification for the position.

(2) An LEA or district school may not request a prohibited submission as a certification or condition prior to ~~take~~ taking action with respect to:

(a) employment, including decisions regarding:

(i) hiring;

(ii) terms of employment;

(iii) benefits;

(iv) seniority status;

(v) tenure;

(vi) promotion;

(vii) transfer; or

(viii) appointment; ~~or~~

(b) ~~admissions and aid, including:~~

~~(i) admission to any program, club, or course;~~

~~(ii) financial or other forms of aid or assistance; and~~

## HB0451S01 compared with HB0451

~~\_\_\_\_\_ (iii) other benefits from the institution for which a person is eligible;~~ admission to or graduation from the LEA or district school; or

(c) qualification for or receipt of state financial aid or other state financial assistance.

(3) An LEA or district school may not grant any form of preferential consideration to a person who, without solicitation from the LEA or district school, provides a prohibited submission for consideration for any action described in Subsection (2).

(4) If federal law requires an LEA or district school to accept a prohibited statement, the LEA or district school:

(a) may accept the prohibited statement only to the extent required under federal law; and

(b) shall limit consideration of the information contained in the prohibited statement to the extent necessary to satisfy the requirement under federal law.

~~{Section 3. Section 63G-6a-121 is enacted to read:~~

~~\_\_\_\_\_ 63G-6a-121. Prohibition on engaging certain services.~~

~~\_\_\_\_\_ (1) As used;~~ (5) Nothing in this section ~~}, "prohibited service" means paid advice, analysis, or training on:~~

~~\_\_\_\_\_ (a) diversity, equity, and inclusion;~~

~~\_\_\_\_\_ (b) anti-racism;~~

~~\_\_\_\_\_ (c) critical race theory;~~

~~\_\_\_\_\_ (d) implicit bias; or~~

~~\_\_\_\_\_ (e) a topic that is related or similar to a topic described in Subsections (1)(a) through (d);~~

~~\_\_\_\_\_ (2) The following procurement units may not procure a prohibited service:~~

~~\_\_\_\_\_ (a) an executive branch procurement unit;~~

~~\_\_\_\_\_ (b) a legislative procurement unit; and~~

~~\_\_\_\_\_ (c) an educational procurement unit.~~

~~\_\_\_\_\_ (3) (a) Except as provided in Subsection (3)(b), this section does not affect a contract entered into before May 3, 2023.~~

~~\_\_\_\_\_ (b) Notwithstanding Section 63G-6a-802.7 and any other provision in this chapter, a procurement unit described in Subsection (2) may not extend, expand, or renew a procurement for a prohibited service that was entered into before May 3, 2023.~~

## HB0451S01 compared with HB0451

~~(4) (a) Notwithstanding Section 63G-6a-107.6, this section applies to a public entity's acquisition of a prohibited service from another public entity.~~

~~(b) A procurement unit described in Subsection (2) may not accept grant funding to procure a prohibited service.~~

~~(c) Notwithstanding Subsection 63G-6a-107.2(2), a procurement unit may not accept grant funding, federal or state assistance, federal contract funds, local matching funds, or federal financial participation funds:~~

~~(i) for a prohibited service; or~~

~~(ii) if the acceptance of the funds requires the procurement unit to engage or provide a prohibited service.~~

~~Section 4} prohibits an LEA or district school from requiring compliance with an LEA's or district school's specific policies that are necessary to comply with state or federal laws and regulations, including those relating to prohibited discrimination or harassment.~~

Section 3. Section **67-27-105** is enacted to read:

### **67-27-105. Prohibition on use of certain submissions by governmental employers**

#### **-- Exception.**

(1) As used in this section:

(a) (i) "Governmental employer" means any department, division, agency, commission, board, council, committee, authority, or any other institution of the state.

(ii) "Governmental employer" does not include a political subdivision.

(b) (i) "Prohibited submission" means a submission, statement, or document that requires a person to articulate ~~{or demonstrate }~~the person's position on a policy or initiative ~~{regarding, or other consideration of,}~~that promotes differential treatment based on race, color, ethnicity, sex, national origin, or age.

(ii) "Prohibited submission" includes a submission, statement, or document that relates to a policy, program, or initiative regarding:

(A) diversity, equity, and inclusion;

(B) anti-racism;

(C) implicit bias; or

(D) critical race theory.

(iii) "Prohibited submission" does not include a submission, statement, or document if:

## HB0451S01 compared with HB0451

(A) the job title for the position includes a phrase listed in Subsections (1)(b)(ii)(A) through (D); and

(B) the submission, statement, or document relates to a bona fide occupational qualification for the position.

(2) A governmental employer may not request a prohibited submission to take action with respect to:

(a) employment, including decisions regarding:

(i) hiring;

(ii) terms of employment;

(iii) benefits;

(iv) seniority status;

(v) tenure;

(vi) promotion;

(vii) transfer; or

(viii) appointment; or

(b) admissions and aid, including:

(i) admission to any ~~state~~ program ~~{, club,}~~ or course;

(ii) financial or other forms of ~~state-administered~~ aid or assistance; and

(iii) other benefits from the ~~{institution}~~ ~~governmental employer~~ for which a person is eligible.

(3) A governmental employer may not grant any form of preferential consideration to a person who, without solicitation from the governmental employer, provides a prohibited submission for any action described in Subsection (2).

(4) If federal law requires a governmental employer to accept a prohibited statement, the governmental employer:

(a) may accept the prohibited statement only to the extent required under federal law; and

(b) shall limit consideration of the information contained in the prohibited statement to the extent necessary to satisfy the requirement under federal law.

(5) Nothing in this section prohibits a governmental employer from:

(a) requiring compliance with state or federal laws and regulations, including those

## **HB0451S01 compared with HB0451**

relating to prohibited discrimination or harassment; or

(b) enforcing state or federal laws and regulations, including those relating to prohibited discrimination or harassment.